

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CRADLE OF LIBERTY COUNCIL, INC.,
BOY SCOUTS OF AMERICA,

Plaintiff,

v.

THE CITY OF PHILADELPHIA,

Defendant.

: CIVIL ACTION
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: NO. 08-2429
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JURY INTERROGATORIES

PART I: NONPUBLIC FORUM

1. Do you find that Plaintiff proved by a preponderance of the evidence that Defendant created a nonpublic forum in its program of leasing Fairmount Park properties to nonprofit organizations?

YES X NO

If your answer to the above question is "NO", skip to Part II. If your answer is "YES", then go to Question 2 below.

2. Do you find that Plaintiff proved by a preponderance of the evidence that Defendant sought to evict Plaintiff from its headquarters building because Defendant opposed the viewpoint expressed in the leadership policy of the Boy Scouts of America with respect to gays?

YES X NO

If your answer to the above question is "NO", skip to Part II. If your answer is "YES", then go to Question 3 below.

3. Do you find that the reasons that Defendant's attempts to evict Plaintiff from its headquarters building were reasonable?

YES X NO

If your answer to the above question is "NO", skip to Part II. If your answer is "YES", then go to Question 4 below.

4. Do you find that the reasons that Defendant's attempts to evict Plaintiff from its headquarters building were viewpoint-neutral?

YES X NO

Once you have answered the above questions, continue to Part II.

PART II: UNCONSTITUTIONAL CONDITIONS

5. Do you find that Plaintiff proved by a preponderance of the evidence that Defendant would have permitted Plaintiff to continue to use its headquarters building on a rent-free basis if Plaintiff repudiated or renounced the policy of the Boy Scouts of America to gays?

YES X NO

If your answer to the above question is "NO", skip to Part III. If your answer is "YES", then go to Question 6 below.

6. Do you find that the reason that Defendant imposed a condition on Plaintiff's continued occupation of its headquarters building was reasonable?

YES NO X

If your answer to the above question is "NO", skip to Part III. If your answer is "YES", then go to Question 7 below.

7. Do you find that the reasons that Defendant imposed a condition on Plaintiff's continued occupations of its headquarters building were viewpoint-neutral?

YES NO

Once you have answered the above questions, continue to Part III.

PART III: EQUAL PROTECTION CLAIM

8. Did Plaintiff prove, by a preponderance of the evidence, that Defendant has established clear standards for the granting or continuance of rent-free occupancy of City property by non-profit organizations?

YES X NO

If your answer to the above question is "NO", do not answer any further questions. If your answer is "YES", then go to Question 9 below.

9. Did Plaintiff prove, by a preponderance of the evidence, that there are other organizations who were substantially similarly situated in all relevant aspects to Plaintiff that occupy rent-free City property?

YES X NO

If your answer to the above question is "NO", do not answer any further questions. If your answer is "YES", then go to Question 10 below.

10. Did Plaintiff prove, by a preponderance of the evidence, that other substantially similarly situated organizations received different treatment from Plaintiff in contravention of Defendant's standards for the granting or continuance of rent-free occupancy of City property?

YES X NO

If your answer to the above question is "NO", do not answer any further questions. If your answer is "YES", then go to Question 11 below.

11. Did Plaintiff prove, by a preponderance of the evidence, that Defendant's termination of the Plaintiff's rent-free occupancy of City-owned property had no rational basis related to Defendant's legitimate interest in eliminating discrimination against gays?

YES NO X

When you have answered all 11 questions, please inform Mr. Higgins.

 6-23-10
DATE

 Merrill Alquist Jr
JURY FOREPERSON